

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed February 5, 2004. Claims 1, 14, 15 and 21 have been amended and Claim 39 has been added. Applicants respectfully request reconsideration and favorable action in this case in view of the following remarks.

Examiner Interview

Applicants appreciate the telephone interview conducted with Examiner Luebke on February 10, 2004 in which Claims 15 and 16 were discussed. From that interview, Applicants understand the Examiner's interpretation of the phrase in Claim 15 reciting "said outer portions each extending in a direction which is approximately normal to a direction of movement of said conductive portion" to be broad enough to encompass a device having outer portions that do not move in the indicated direction but that are positioned in a direction that is approximately normal to a direction of movement the conductive portion. Applicants hereby adopt that broader interpretation. Applicants also understand from the interview that the Examiner may find Claim 16 allowable over the prior art of record because that art does not show the claimed expansion of the first and second sections of the membrane. Applicants have therefore amended Claim 15 to include the limitations of Claim 16, which Applicants believe is allowable, as described in greater detail below.

Section 102 and 103 Rejections

Applicants respectfully traverse the rejections of Claims 1, 4, 6, 7, 9 and 11 and 2, 8, 15, 16, 18 and 19 under U.S.C. § 102 or 103 for reasons described below.

Claim 15 has been amended to include a recitation of "configuring said membrane so that said first and second sections each include a membrane section which extends transversely of said membrane and which has approximately a U-shaped profile" and "effecting expansion of each of said first and second sections as said membrane is moved from said first position to said second position." This amendment incorporates the limitations of Claim 16 into Claim 15, and therefore explicitly recites that the first and second sections of the membrane expand. As discussed with the Examiner in the interview, Applicants believe this expansion is not shown in the cited reference. Further, as described in Applicants' response filed December 29, 2003, it appears the previous Office Actions concede that such movement does not occur, but rather relied on language believed by the Examiner to not

require movement to nevertheless reject the claims using this same reference. In some embodiments, providing a U-shaped section that expands provides two advantages, as recognized by the teachings of the invention. First, expansion allows the membrane to be switched from a first position to a second position using a lower voltage because internal tension is lowered in the membrane by the expanding first and second sections. Second, deleterious effects of thermal expansion of the membrane can be alleviated by expansion of the first and second sections. In particular, when resting it is important for the membrane to maintain a constant level above the underlying substrate. Pre-existing sag often occurs in the membrane, which tends to straighten when the membrane may thermally expand due to changes in the surrounding temperature. When this occurs, the membrane may have a height above the substrate that differs from the height that exists at a different temperature. However, by providing the U-shaped expansion sections that expand, the membrane can compensate for the thermal expansion without affecting the height of the membrane above the substrate.

For at least these reasons, Claim 15 is allowable, as are the claims depending therefrom. Favorable action is requested.

Claim 1 is allowable for analogous reasons, as are the claims depending therefrom. In particular, Claim 1 recites “wherein the first and second sections expand as said membrane is moved from said first position to said second position.” Favorable action is requested.

New Claim 39 is allowable for analogous reasons. In particular, Claim 39 recites “effecting one of expansion and contraction of each of said first and second sections in response to application to said membrane of one of a lengthwise expansion force and a lengthwise contraction force.” Favorable action is requested.

Allowable Subject Matter

Applicants appreciate the indication in the previous Office Action that Claims 14 and 21 would be allowable if written in independent form. Applicants have done so. Favorable action is requested. Applicants also appreciate the indication in the previous Office Action that Claims 10, 20, and 25-36 are allowed.

CONCLUSION

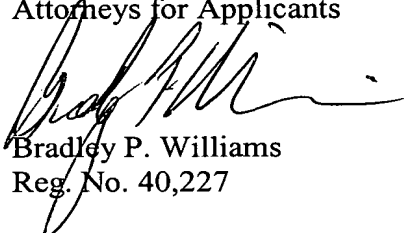
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants charge the amount of \$1,123.00 to cover the RCE basic filing fee and the addition of three (3) independent claims for filing fees and a one month extension of time. However, the Commissioner is hereby authorized to any additional fees required or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants


Bradley P. Williams
Reg. No. 40,227

CORRESPONDENCE ADDRESS:

Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, TX 75201-2980
(214) 953-6447

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Customer Number: **05073**